

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

FILED

NOV 12 2003

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
CAPE GIRARDEAU

JORDAN BLAIR, Plaintiff

v.

02-CV-88-CAS

BOB WILLS, BETTY SUE WILLS, ET AL, Defendant

MOTION TO QUASH SUBPOENA

Comes now, State of Arkansas, Crawford County, by and through Marc McCune,

Prosecuting Attorney, Tena Rackley, Deputy Prosecuting Attorney, states:

1. Plaintiff by and through his attorney, Oscar Stilley, has served a subpoena for juvenile records and a subpocna for deposition in the above-referenced case.
2. These juvenile records are from a juvenile case from State of Arkansas, Crawford County Juvenile case no. J-2001-272. This case is still open and a bench warrant is currently outstanding for Plaintiff.
3. Plaintiff's attorney, Oscar Stilley, is not the attorney of record for Plaintiff. Attached is an order from the Hon. Gary Cottrell denying Mr. Stilley's request for substitution of attorney. Further, the order denies Mr. Stilley's request for the access to the juvenile record and access to the transcript of the hearing.
4. The court order was appealed to the Arkansas Supreme Court and the Hon. Gary Cottrell was upheld.
5. It is the belief of the State of Arkansas, Crawford County, that these subpoenas are an attempt by Mr. Stilley to circumvent the orders of the Circuit Court Judge, Hon. Gary Cottrell and the ruling of the Arkansas Supreme Court.

6. Further, The Court does not have in personam jurisdiction over the Circuit Clerk for the juvenile record or over the court reporter, Ms. Douglas.
7. The subpoenas should be quashed.

WHEREFORE, the State of Arkansas requests the subpoenas be quashed, attorneys fees and costs, and all other relief to which it is entitled.

Respectfully submitted,



MARC MCCUNE
PROSECUTING ATTORNEY
Tena Rackley
Deputy Prosecuting Attorney
State of Arkansas
Crawford County
200 S. Third
Van Buren, AR 72956
(479) 474-500
fax (479) 471-3256

CERTIFICATE OF SERVICE

I, Tena Rackley, do hereby certify that I have sent the foregoing Motion to Hon. Oscar Stilley, Attorney, Central Mall, Ste. 520, 5111 Rogers Ave., Fort Smith, AR 72903 on 12 day of November, 2003.



Tena Rackley

IN THE CIRCUIT COURT OF CRAWFORD COUNTY, ARKANSAS
JUVENILE DIVISION

STATE OF ARKANSAS

VS

JORDAN MICHAEL BLAIR

Case No. J-2001-272

PLAINTIFF

DEFENDANT


ORDER

FILED
CRAWFORD COUNTY
CIRCUIT CLERK
2002 SEP -5 P 3:55
BY *WJ*

COMES ON this 21st day of August 2002, for hearing, the Motion to Substitute Counsel in the above styled case. The State appeared by and through Leta J. Caplinger, Deputy Prosecuting Attorney. The Public Defenders Office, appointed Counsel for the Juvenile Jordan Blair appeared by and through Derek Barlow, Deputy Public Defender. Pat McCarty made a special appearance on behalf of Ronald and Jannett Blair. Moveant Oscar Stille appeared, the Juvenile Jordan Blair did not appear.

The Court after hearing arguments on the Motion to Substitute Counsel found that Counsel had been appointed by the Court for Jordan Blair in the appointment of the Public Defenders Office by and through Derek Barlow, Deputy Public Defender and that appointment continues. The Motion to Substitute Counsel is Denied and the Subsequent Motions For Release of Transcript, To Allow Jordan Blair to Obtain a Driver's License, For a New Trial, To Set aside Judgement Finding Delinquency, To Permit Defendant to Remain in His Present Circumstance to Pursue College Education, and Petition for Restraining Order Under the "Domestic Abuse Act of 1991" are stricken.

IT IS SO ORDERED.


GARY R. COTTRELL
CIRCUIT JUDGE

2002 - 5034

LAW OR CHANCERY MANDATE

STATE OF ARKANSAS,)
)
In the Supreme Court) SCT.

BE IT REMEMBERED, That at a session of the Supreme Court of the State of Arkansas, begun and held in the City of Little Rock, on February 6, 2003, amongst others were the following proceedings, to-wit:

02 01354

Jordan Blair

Appellant(s)

vs. Appeal from Crawford Circuit -J-2001-272

State of Arkansas

Appellee(s)

FILED
CRAWFORD COUNTY
CIRCUIT CLERK
2003 FEB 10 A 11:50
BY *WJ*

Petition for writ of certiorari to complete the record is denied; petitioner is represented by counsel, Richard Derek Barlow, and cannot appear pro se.

IN TESTIMONY, That the above is a true copy of the order of said Supreme Court, rendered in the case herein stated, I, Leslie W. Steen, Clerk of said Supreme Court, hereunto set my hand and affix the seal of said Supreme Court, at my office in the city of Little Rock, this 6th day of February, 2003.

Clerk

Leslie W. Steen

By:

D.C

Original to Clerk

cc: Mike Beebe
Jordan Blair
c/o Oscar Stilley
Richard Derek Barlow
Honorable Gary Ray Cottrell, Judge

yu2003 - 613

LAW OR CHANCERY MANDATE

STATE OF ARKANSAS,)
)
In the Supreme Court) **SCT.**

BE IT REMEMBERED, That at a session of the Supreme Court of the State of Arkansas, begun and held in the City of Little Rock, on March 13, 2003, amongst others were the following proceedings, to-wit:

02 01354

Jordan Blair

Appellant(s)

vs. Appeal from Crawford Circuit - J-2001-272

State of Arkansas

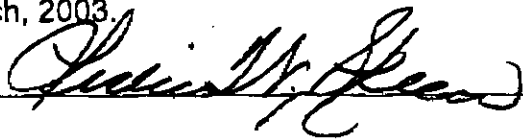
Appellee(s)

Motion for reconsideration, recall the mandate, and petition for writ of certiorari to complete the record is denied.

FILED
CRAWFORD COUNTY
CIRCUIT CLERK
2003 MAR 17 P 12:20
BY LS

IN TESTIMONY, That the above is a true copy of the order of said Supreme Court, rendered in the case herein stated, I, Leslie W. Steen, Clerk of said Supreme Court, hereunto set my hand and affix the seal of said Supreme Court, at my office in the city of Little Rock, this 13th day of March, 2003.

Clerk



By: _____ D.C

Original to Clerk

cc: Kent G. Holt
Jordan Blair
c/o Oscar Stilley
Richard Derek Barlow
Honorable Gary Ray Cottrell, Judge

juv2003 - 1290

TT

FILED
CRAWFORD COUNTY
CIRCUIT CLERK

2002 OCT 10 P 1:29

BY ku

IN THE CIRCUIT COURT OF CRAWFORD COUNTY, ARKANSAS
JUVENILE DIVISION

STATE OF ARKANSAS

PLAINTIFF

VS.

CASE NO. J-2001-³¹²22 (II)

JORDAN BLAIR

DEFENDANT

VS.

RON BLAIR

THIRD PARTY DEFENDANT

ORDER

Now on this 7th day of October, 2002, comes on for consideration the Motion for Reconsideration, and Motion to Quash Arrest Warrant, filed by the defendant/juvenile, in this matter. Upon review of the pleadings, previous testimony, argument, and other matters before the Court, the Court does find as follows:

I.

That the Motion for Reconsideration is hereby denied, in that the Court has previously ruled that Mr. Oscar Stilley, is not counsel for the juvenile/defendant. The Court has appointed the Public Defender's Office to represent the juvenile/defendant, and that representation continues. That the juvenile/defendant is a minor and is unable to contract for services without the aid and assistance of his guardian/parent, or next best friend, in their absence. Pleadings on his behalf should be filed by his attorney, or, by and through his guardian/parent, or next best friend.

2002 - 5596

State of Arkansas v. Jordan Blair v. Ron Blair
J-2001-72

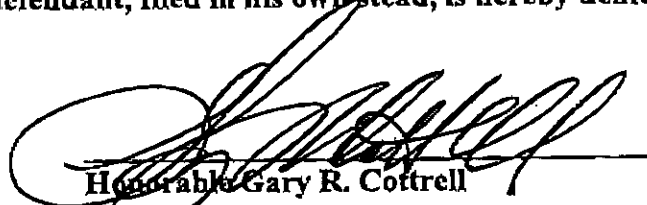
Page 2 of 2

II.

That the Motion to Quash Arrest Warrant is denied for the reasons set out in paragraph 1 above, and additionally, the juvenile/defendant is presently in flight from the placement, made at adjudication. The failure to appear was entered subsequent to his not appearing at his hearing. A mere averment that the warrant is based on lies, carries little weight with the Court.

THEREFORE, both the Motion for Reconsideration and Motion to Quash Arrest Warrant, filed by the juvenile/defendant, filed in his own stead, is hereby denied.

IT IS SO ORDERED.



Honorable Gary R. Cottrell
Juvenile Judge